United Nations Convention on the Law of the Sea CLCS/20

Commission on the Limits of the Continental Shelf

Distr.: General
2 May 2000

Original: English

Seventh session
New York, 1-5 May 2000

Agenda

1. Opening of the seventh session by the Chairman of the Commission.
2. Open meeting of the Commission.*
3. Adoption of the agenda.
4. Organization of work.
5. Issues of training:
   (a) Report of the working group of the Commission on training;
   (b) Review of existing training projects and capacities within the United Nations system;
   (c) Draft manual to assist coastal States in the process of preparation of a submission (flowchart).
6. Issues of confidentiality.
7. Matters relating to the establishment of a trust fund to assist in financing the participation of members of the Commission from developing countries.
8. Other matters.

* Programme annexed hereto.

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Annex

Programme of the open meeting of the Commission on the Limits of the Continental Shelf

1 May 2000, Trusteeship Council Chamber

"UNCLOS and the delineation of the continental shelf: Opportunities and challenges for States"

10-10.15 a.m.	Opening Statement by the Chairman *(Yuri Kazmin)*
10.15-10.45 a.m.	The United Nations Convention on the Law of the Sea and the delineation of the outer limits of the continental shelf *(Harald Brekke)*
10.45-11 a.m.	Questions and answers
11-11.30 a.m.	The mandate and work of the Commission on the Limits of the Continental Shelf *(Peter Croker)*
11.30-11.45 a.m.	Questions and answers
11.45 a.m.-12.15 p.m.	Modus operandi of the CLCS *(Samuel Betah, speaker, in collaboration with André Chan Chim Yuk)*
12.15-12.30 p.m.	Questions and answers
12.30-1 p.m.	Discussion
1-3 p.m.	Lunch
3-3.45 p.m.	Scientific and Technical Guidelines of the Commission on the Limits of the Continental Shelf *(Osvaldo Astiz, K. R. Srinivasan and Mladen Juračić, speakers, in collaboration with Galo Carrera)*
3-3.15 p.m.	Chapters 1 to 3 *(Astiz and Carrera)*
3.15-3.30 p.m.	Chapters 4 to 6 *(Srinivasan and Carrera)*
3.30-3.45 p.m.	Chapters 7 to 9 *(Juračić and Carrera)*
3.45-4 p.m.	Questions and answers
4-4.45 p.m.	Geographic scope and scientific challenges posed by article 76 of the United Nations Convention on the Law of the Sea *(Galo Carrera)*
4.45-5 p.m.	Questions and answers
5-5.45 p.m.	An outline for the preparation of a national submission to the Commission on the Limits of the Continental Shelf *(Galo Carrera and Alexandre Albuquerque)*
5.45-6 p.m.	Questions and answers

United Nations Convention on the Law of the Sea CLCS/21

Commission on the Limits of the Continental Shelf

Distr.: General
5 May 2000

Original: English

Seventh session
New York, 1-5 May 2000

Statement by the Chairman of the Commission on the Limits of the Continental Shelf on the progress of work in the Commission

1. The seventh session of the Commission on the Limits of the Continental Shelf was held at United Nations Headquarters, New York, from 1 to 5 May 2000. On 1 May 2000, pursuant to its decision made during the sixth session (CLCS/18, paras. 16 and 22), the Commission held an open meeting which was attended by government officials, intergovernmental organizations, legal advisers and experts in marine sciences related to the establishment of an extended continental shelf. Thereafter, from 2 to 5 May 2000, the Commission held a total of eight meetings.

2. The following 18 members of the Commission attended the session: Alexandre Tagore Medeiros de Albuquerque, Osvaldo Pedro Astiz, Lawrence Folajimi Awosika, Ali Ibrahim Beltagy, Samuel Sona Betah, Harald Brekke, Galo Carrera Hurtado, Peter F. Croker, Noel Newton St. Claver Francis, Kazuchika Hamuro, Karl H. F. Hinz, A. Bakar Jaafar, Yuri Borisovitch Kazmin, Iain C. Lamont, Wenzheng Lu, Yong Ahn Park, Daniel Rio and André Chan Chim Yuk, Mladen Juračić, Chisengu Leo Mdala and Krishna-Swami Ramachandran Srinivasan did not attend the session owing to matters of national interest to which they had to attend.

3. The Commission had before it the following documents:

- Provisional agenda (CLCS/L.9), which, after it was adopted with an amendment, was reissued (CLCS/20);
- Scientific and Technical Guidelines of the Commission on the Limits of the Continental Shelf (CLCS/11 and Corr.1; CLCS/11/Add.1 and Corr.1);
- Review of existing training projects and capacities within the United Nations system (CLCS/15) (note by the Secretariat);
- Establishment of a trust fund to assist in financing the participation of members of the Commission on the Limits of the Continental Shelf from developing countries (CLCS/16) (note by the Secretariat);
- Statement by the Chairman of the Commission on the Limits of the Continental Shelf on the progress of work in the Commission (CLCS/18);
- Letter dated 21 October 1999 from the Chairman of the Commission on the Limits of the Continental Shelf addressed to the President of the fifty-fourth session of the General Assembly of the United Nations (CLCS/19);
- United Nations Convention on the Law of the Sea and the delineation of the continental shelf: opportunities and challenges for States: Introductory statement by the Chairman of the Commission (CLCS/INF/2);
- Background paper for the open meeting, entitled "United Nations Convention on the Law of the Sea and the delineation of the continental shelf:

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opportunities and challenges for States: Opening statement of the Chairman of the Commission and contents of the visual presentations by the members of the Commission".

4. At the outset of the open meeting held on 1 May 2000, the Chairman of the Commission, Mr. Yuri B. Kazmin, made an introductory statement in which he explained the purpose of the meeting. He said, *inter alia*, that the open meeting was being held with the aim of flagging the most important and challenging issues related to the establishment of the continental shelf beyond 200 nautical miles and to give a general indication to policy makers and legal advisers of the benefits that a coastal State might derive from implementing the provisions of article 76 of the Convention. The open meeting was also intended to explain to experts in marine sciences who were involved in the preparation of submissions how the Commission considered that its Scientific and Technical Guidelines should be applied in practice. The programme of the meeting is annexed to the agenda of the session (CLCS/20).

5. During the open meeting, the following presentations were made:

- The United Nations Convention on the Law of the Sea and the delineation of the outer limits of the continental shelf (Harald Brekke);
- The mandate and work of the Commission on the Limits of the Continental Shelf (Peter Croker);
- Modus operandi of the Commission (Samuel Betah, speaker, in collaboration with André Chan Chim Yuk);
- Scientific and Technical Guidelines of the Commission on the Limits of the Continental Shelf (Osvaldo P. Astiz, K. R. Srinivasan and Mladen Juračić, in collaboration with Galo Carrera; Osvaldo P. Astiz, Yong Ahn Park and Peter Croker, speakers);
- Geographic scope and scientific challenges posed by article 76 of the United Nations Convention on the Law of the Sea (Galo Carrera);
- An outline for the preparation of a submission to the Commission on the Limits of the Continental Shelf (Galo Carrera and Alexandre Albuquerque; Galo Carrera, speaker).

6. Each individual presentation was followed by a question-and-answer period. In addition, the floor was open during the session to a discussion of various issues related to the provisions of the Convention, the Scientific and Technical Guidelines and their application, and the work of the Commission. A number of delegations and experts participated in the discussions, asked questions and made comments on the issues considered at the meeting. It was agreed that additional questions might be forwarded to the Commission in writing.

7. On 2 May 2000, the Commission, having reconvened for the closed portion of its seventh session, proceeded with the consideration of the provisional agenda (CLCS/L.9). One member of the Commission proposed to incorporate a new item dealing with the issue of confidentiality. The proposal was accepted and the agenda was adopted as amended (CLCS/20).

8. The Chairman expressed his appreciation to all members of the Commission who had put such extraordinary effort into producing the well-prepared presentations given at the open meeting. The peer review of presentations seemed to have been a particularly effective method of ensuring the accuracy and quality of the information presented and had provided an important introduction for many States to the important work the Commission had accomplished thus far. He congratulated Galo Carrera in particular, on behalf of all the members of the Commission, for his contribution, in his capacity as convenor of the open meeting, to ensuring that all submissions made by members of the Commission were completed on time, well coordinated and clearly and effectively highlighted material aimed at assisting those who would produce submissions on behalf of coastal States for an extended continental shelf.

9. The Chairman then outlined the programme of work for the remaining part of the session. In particular, he pointed out that the main task before the Commission was to address issues concerning training. He recalled the tasks to be performed within the action plan on training approved at the sixth session (CLCS/18, paras. 14-18) and noted that some of those tasks had already been accomplished. In that connection, he highlighted relevant paragraphs of General Assembly resolution 54/31 of 24 November 1999, pointing out that the actions of the Assembly reflected general support for the Commission's

activities and for the action plan on training in particular. He also informed the Commission that letters inquiring about possibilities for training activities had been dispatched to intergovernmental organizations relevant to the work of the Commission. A reply had already been received from the Intergovernmental Oceanographic Commission (IOC).

10. With respect to tasks yet to be performed, the Chairman recalled the decision of the Commission at the sixth session (CLCS/18, para. 15) regarding the preparation of a training manual in the form of a flowchart. Consequently, the main focus of the current session should be to identify the needs and targets for training and the preparation of the manual, as well as of training modules.

11. Following a brief discussion on the organization of work, the Commission decided to discuss the issues of training initially within the Working Group on Training, under the chairmanship of Lawrence F. Awosika, established at its sixth session (ibid., para. 12).

12. The Working Group on Training resumed its exchange of views on the issues of training which it had begun at the sixth session (ibid., para. 13). The purpose of training activities was to promote a better understanding of article 76 of the Convention as well as of the Guidelines, in particular taking into account the needs of developing States, in order to assist those States in the preparation of their submissions to the Commission. The Chairman of the Group reported on the work members had accomplished during the inter-sessional period. Problems related to training needs, objectives and financing were extensively discussed and views were exchanged on other issues relevant to training.

13. The Working Group also discussed several draft flowcharts related to training and, after much deliberation, with the assistance of a sub-group chaired by Harald Brekke, produced a basic flowchart for the preparation of a submission. It also produced an outline for a proposed five-day seminar or workshop aimed at assisting experts from developing countries involved in the preparation of submissions to the Commission.

14. The Commission then discussed the report of the Working Group and took note of the review of the existing training projects and capacities within the United Nations system (CLCS/15). Based on the report presented to the Commission by the Chairman of the Working Group, the Commission decided:

(a) To adopt provisionally, pending the preparation of a technical publication in the form of a training manual, the basic flowchart for the preparation of a submission, and to issue the flowchart as a document of the Commission, on the understanding that it was of a recommendatory nature aimed at assisting States in preparing their submissions;

(b) To request the Secretariat of the United Nations, namely its Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, to include in its work programme the preparation of a technical publication in the form of a training manual, based on the basic flowchart for the preparation of a submission, on the understanding that the publication would be part of the series of technical publications prepared independently by the Division within its general mandate, as specified by relevant resolutions of the General Assembly;

(c) To request the Secretariat to prepare, in close cooperation with the members of the Commission and on the basis of a detailed training course outline, as well as information to be provided in writing by the Commission, a cost estimate for an initial five-day training course. For the purpose of preparing a cost estimate, it should be assumed that the training course would take place in Jamaica, with the attendance of about 40 participants. The cost estimate should include, among other things, information on which institutions of the United Nations system or others have experience in organizing such courses and might be in a position to provide training facilities and financing. The estimate should also take into account the need for lecturers, seminars, laboratories, designing of training modules, etc. The possibility of financing costs of travel, accommodation and the participation of participants from developing States should also be kept in mind in this regard.

15. In that context, the Editorial Committee, under the chairmanship of Galo Carrera, was reconvened with a view to producing a module for this five-day training course, including time estimates for the preparation of materials. A sub-group was again formed, under the chairmanship of Mr. Harald Brekke, which prepared a curriculum module for the course. The Commission decided to approve provisionally the module as prepared by the Editorial Committee and to have the

document issued as a conference room paper so as to enable the Secretariat to produce the cost estimate. It was agreed that the Editorial Committee and the Working Group on Training would continue their work during the inter-sessional period in order to further develop the module.

16. The Commission took note of the statement of the Director of the Division for Ocean Affairs and the Law of the Sea concerning the amount of time and the information needed for the preparation of such a cost estimate and decided not to impose any time limit on the Secretariat.

17. Furthermore, in respect to the training course, it was agreed that the course outline would be issued as a document of the Commission. The intended participants should be professionals in the fields of geophysics, geology, hydrography and geodesy who would be applying the Scientific and Technical Guidelines in developing States; in order to qualify, participants should have attained a level of study of at least the bachelor's degree in one of those fields.

18. With respect to the agenda item concerning the issue of confidentiality, it was proposed to establish a permanent committee on confidentiality to demonstrate, should the need arise, the resolve and preparedness of the Commission to handle the issue. In particular, the body would consider procedures to be followed by the Commission in case of an allegation of breach of confidentiality and would propose changes, if and when needed, to annex II to the Rules of Procedures. The committee would be composed of five members of the Commission, each member from one regional group. It was further suggested that annex II, in particular rule 4 (Duty to preserve confidentiality), should be amended by adding at the beginning of the rule three new paragraphs — inspired by article 42 of the Rules of the International Tribunal for the Law of the Sea (ITLOS/8) and Article 21 of the Rules of Court of the International Court of Justice. It was pointed out that the current rules on confidentiality did not extend the confidentiality regime to the deliberations of the Commission, but rather covered only the material that the submitting State identified as confidential.

19. As a result of those deliberations, the Commission decided to establish the Committee on Confidentiality. Following consultations with the regional groups, Mr. Carrera was elected Chairman and Mr. Chan Chim Yuk, Mr. Hamuro, Mr. Croker and Mr. Juračić were elected members of the Committee. Regarding the amendment to annex II, rule 4, of the Rules of Procedure of the Commission (CLCS/3/Rev.2), the Commission agreed to adopt the draft proposal and to amend the rule to read as follows:

> *"Rule 4*
>
> *"Duty to preserve confidentiality*
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> "1. The deliberations of the Commission and subcommissions on all submissions made in accordance with article 76, paragraph 8, of the Convention shall take place in private and remain confidential.
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> "2. Only members and, if necessary, specialists appointed in accordance with rule 55 of these Rules shall take part in the Commission and subcommission deliberations on submissions. The Secretary and other members of the staff of the Secretariat as may be required shall be present. No other person shall be present except by permission of the Commission or subcommission.
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> "3. Any records of the Commission and subcommission deliberations on all submissions shall contain only the title or nature of the subjects or matters discussed and the results of any vote taken. They shall not contain any details of the discussions or the views expressed, provided, however, that any member is entitled to require that a statement made by him be inserted in the records.
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> "4. The members of the Commission shall not disclose, even after they cease to be members, any confidential information coming to their knowledge by reason of their duties in relation to the Commission.
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> "5. The duty of the members of the Commission not to disclose confidential information constitutes an obligation in respect of the individual's membership in the Commission."

20. The Commission then discussed the matter of the establishment of the trust fund for the purpose of financing the participation of members from developing countries in the work of the Commission. It took note of the conclusions of the Meeting of States Parties that, in order to formulate any recommendation on the issue, the Meeting needed information in writing from the Commission regarding actual needs and

financial estimates for each session. In that context, the Commission decided to approve a draft letter from the Chairman of the Commission to the President of the Tenth Meeting of States Parties containing such information and estimates. The letter would further inform the President that, in response to the request by several delegations at the Ninth Meeting, the statements of the Chairman on the work of the Commission would continue to be available to the delegations at the Meetings of States Parties to apprise them of the activities of the Commission. It would also draw the attention of States Parties to the open meeting of the commission held on 1 May 2000 and to the documents of that meeting.

21. Under the agenda item entitled "Other matters", Mr. Carrera, as the convenor of the presentations on the work of the Commission by Commission members to the Advisory Board on the Law of the Sea (ABLOS) Conference held in Monaco in September 1999, reported on those presentations (see CLCS/18, para. 20).

22. The Commission decided to issue a publication on its activities from 1997 to 2000 as well as on relevant activities of its members and requested the Secretariat of the Commission to prepare it. The publication would include all major documents of the Commission, presentations made during the open meeting, as well as a summary of discussions. Other presentations to other forums made by Commission members concerning the work of the Commission, for example to the ABLOS Conference, would also be included. The Commission took note of the information provided by the Secretariat concerning the programme of publications and budgetary constraints and requested that appropriate budgetary provisions be made for the next biennium.

23. It was also agreed that the Secretariat would issue a report on the open meeting of the Commission which would cover the presentations by members of the Commission and a summary of the discussion during the question-and-answer segments.

24. The Commission was apprised of the suggestion by the Secretary-General of the International Seabed Authority that the presentations given during the open meeting might be of interest to the Authority. Although no specific proposal was made, the presence of some members of the Commission at the meetings of the Authority might lend itself to facilitating the process. It was decided that such presentations may be given at the next session of the Authority if the Commission is officially requested to do so by the Secretary-General of the Authority.

25. The Commission also discussed other matters of interest.

26. The Commission decided that its eighth session would be held for one week, from 28 August to 1 September 2000, to further discuss the matters of training and the issue of confidentiality, as well as to commence deliberations on other unresolved issues as may be necessary. However, decisions, if any, would be taken only on matters related to training and confidentiality.

27. The Chairman expressed his appreciation to the staff of the Division for Ocean Affairs and the Law of the Sea, in particular for their efforts in preparing for the open meeting, as well as to the interpreters, translators and other staff for the able assistance during the present particularly complex session.